

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
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INFO AMCONSUL IBADAN
AMCONSUL KADUNA

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E.O. 11652: N/A
TAGS: ECON, EINV, PDEV, ENRG, NI
SUBJECT: LAND TENURE: THE SYSTEM IN THE NORTH

REF: (A) LAGOS 4732, (B) LAGOS 4663, (C) KADUNA 436 (NOTAL)

1. IN CONNECTION WITH THE NEW LAND USE DECREE,
WE ARE REPORTING OUR UNDERSTANDING OF HOW THE
TRADITIONAL LAND TENURE SYSTEM OPERATES IN
NORTHERN NIGERIA.

2. IN THE NORTH, THERE IS NO TRADITION OR
EXPERIENCE WITH PRIVATE OWNERSHIP OF LAND. RATHER,
LAND HAS TRADITIONALLY BEEN HELD IN TRUST FOR
THE COMMUNITY BY GOVERNMENTAL AUTHORITIES. IN
THE CONTEMPORARY NORTH, THIS MEANS THAT ALL LAND
IS UNDER THE ULTIMATE CONTROL OF EITHER STATE
GOVERNMENTS OR LOCAL GOVERNMENT AUTHORITIES (LGA).
IN BORNO STATE, FOR EXAMPLE, LGA'S CONTROL MOST
OF THE RURAL AREAS WHILE LAND IN MAIDUGURI IS
ABOUT EQUALLY DIVIDED BETWEEN STATE AND LOCAL
AUTHORITIES. WITHIN EACH OF THESE TWO SYSTEMS,
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LAND IS CLASSIFIED OR ZONED FOR RESIDENTIAL, COMMERCIAL,
INDUSTRIAL, OR AGRICULTURAL USE.

3. TO GET THE USE OF LAND, AN INDIVIDUAL MAKES
APPLICATION TO THE STATE COMMISSIONER FOR WORKS,
HOUSING AND LAND SURVEY OR TO THE LOCAL GOVERNMENT
COUNCIL, DEPENDING UPON WHO CONTROLS THE PIECE

OF LAND ONE WISHES TO OCCUPY. APPLICATION FORMS ARE COMPLETED, FEES ARE ASSESSED (125 NAIRA FOR STATE LAND, 50 NAIRA FOR LGA LAND), AND THE MATTER IS DECIDED WITHIN THE RESPECTIVE BUREAUCRACIES. IN PRACTICE, GOVERNMENT SURVEYORS HAVE CONSIDERABLE INFLUENCE IN THE ALLOCATION. AS MIGHT BE EXPECTED, THERE IS COMPETITION FOR DESIRABLE LAND, PARTICULARLY COMMERCIAL LAND.

4. THE APPLICANT MAY BE OFFERED SEVERAL ALTERNATIVE PLOTS OF LAND. HE MAKES HIS SELECTION AND RECEIVES A 'CERTIFICATE OF OCCUPANCY' (A 'C.O.F O.' PARLANCE) WHICH AMOUNTS TO A LEASEHOLD AUTHORIZATION TO DEVELOP AND USE THE LAND. THE 'C. OF O.' IN BORNO STATE IS NORMALLY VALID FOR 99 YEARS. HOWEVER, CONSULATE KADUNA (REF C) NOTES THAT IT OBTAINED 40YEAR LEASEHOLDS ON RESIDENTIAL PLOTS IN KADUNA IN THE 1960'S SO THERE MAY BE SOME VARIATION AMONG STATES. LEASEHOLDERS ARE CHARGED A FAIRLY NOMINAL GROUND RENT EACH YEAR AND THE 'C. OF O.' IS RENEWABLE.

5. LEASEHOLDS CAN BE REVOKED OR MODIFIED UNDER CERTAIN CIRCUMSTANCES. IF THE LAND IS NOT DEVELOPED WITHIN TWO YEARS OF THE 'C. OF O.', IT MAY BE RECLAIMED BY THE GOVERNMENT. ADDITIONALLY, THE GOVERNMENT MAY REACQUIRE THE LAND COMPULSORILY FOR LIMITED OFFICIAL USE

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COMPELLING REASONS. HOWEVER, COMPENSATION MUST BE PAID TO THE LEASEHOLDER FOR ANY IMPROVEMENTS WHICH HAVE BEEN MADE.

6. COMMENT: AS NOTED IN REF A, THE NEW LAND USE DECREE SYSTEM CLOSELY PARALLELS THE SYSTEM WHICH ALREADY EXISTS THROUGHOUT THE NORTH. THE ONLY NEW ELEMENT FOR THE NORTH WILL BE THE LAND USE AND ALLOCATION COMMITTEES WHICH WILL APPARENTLY TAKE OVER FUNCTIONS ALREADY BEING PERFORMED IN THE NORTH.

7. OUR CONTACTS TELL US THAT THE SYSTEM OPERATES REASONABLY WELL IN THE NORTH BUT PART OF THE REASON MAY BE THE ABUNDANCE OF LAND. THE RESULTS MAY BE DIFFERENT WHEN IT IS APPLIED IN THE DENSELY POPULATED SOUTH. END COMMENT.
WYMAN

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